

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Regional Headquarters
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Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
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September 2, 1999

In Reply Refer To: FID# 241271140
BRRTS# 03-41-000463
County of Milwaukee
BRR-LUST

Ms. Wendy Selig-Prieb
Selig Development Company, Inc.
c/o Milwaukee Brewers Baseball Club
PO Box 3099
Milwaukee, WI 53201-3099

SUBJECT: Closure Request for *Former Selig Chevrolet*, 10200 West Arthur Avenue,
West Allis, WI

Dear Ms. Selig-Prieb:

The Wisconsin Department of Natural Resources (WDNR) previously reviewed the case file for the above referenced site to determine if case closure could be granted for the site. A letter was issued, that stated that a requirement of case closure is that a "groundwater use restriction" be placed on the deed of the property, according to s. NR 726.05(8)(am)."

I have received an official copy of the "groundwater use restriction", which was recorded on February 5, 1999. Based upon the information in the case file, it appears that the degree and extent of petroleum contamination has been determined in the soil and groundwater at the site. It appears that the contamination at the above-named site has been remediated in compliance with the requirements of chs. NR 700 to 724, Wis. Adm. Code. Therefore, the Department considers the case "closed," having determined that no further remedial action is necessary at the site at this time. However, the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare or the environment.

The WDNR appreciates the actions you have taken to restore the environment at this site. If you have any questions regarding this letter you may contact me at (414) 263-8541. Please refer to the FID and BRRTS numbers on the top of this letter in any future correspondence.

Sincerely,

Andrew Boettcher
Hydrogeologist

cc: Bruce A. Keyes - Foley & Lardner
Daniel Viegut - Dames & Moore
SER Case File

7682158

Document Number

REEL 4493 IMAG 1640

GROUNDWATER USE RESTRICTION

Parcel 2 of Certified Survey Map No. 1531, being a part of Lots 1 through 11, inclusive, part of Lots 12, 14 and 15, all of Lots 16 through 26 inclusive, in Block 3; and Lots 1 through 12 inclusive, part of Lots 13 and 14, all of Lots 15 through 26 inclusive, in Block 4, including the vacated alleys within and adjoining South 106th Street and South 107th Street, all in Marquette Gardens, being a Subdivision of a part of the Northwest ¼ of Section 8, in Town 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, and lands in the Northwest ¼ of Section 8, in Town 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, recorded on April 26, 1971 on Reel 582, Image 1915, as Document No. 4587033 as corrected by Affidavit of Correction recorded on September 21, 1971 on Reel 611, Image 127, as Document No. 4623310.

REGISTER'S OFFICE }
Milwaukee County, WI } SS

RECORDED AT -2:45 PM

FEB - 5 1999

REEL 4493 IMAGE 1640 TO 1644

W. C. C. & S. REGISTER INCL.
OF DEEDS

Recording Area

Name and Return Address:

Bruce A. Keyes

Foley & Lardner

777 East Wisconsin Avenue Box 286

Milwaukee, Wisconsin 53202-5367

Declaration of Restrictions

Parcel ID Number

STATE OF WISCONSIN

)

COUNTY OF MILWAUKEE

) SS

)

7682158

RECORD

18.00

WHEREAS, SBS Partnership is the owner ("Owner") of the above described property (the "Property").

WHEREAS, one or more petroleum-related discharges have occurred at this property. Benzene, Ethylbenzene and Xylenes contaminated groundwater above ch. NR 140, Wis. Adm. Code enforcement standards exists on this property as depicted in Attachment "A."

WHEREAS, it is the desire and intention of the Owner to impose on the Property restrictions which will make it unnecessary to conduct additional groundwater or soil remediation activities on the Property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. 809, Wis. Adm. Code is restricted by ch. NR 811, Wis. Adm. Code and ch. NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the Owner hereby declares that all of the Property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this Property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable and to obtain Department approval, prior to constructing or reconstructing a well on this Property. No well may be constructed or reconstructed on this Property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described Property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns ("WDNR"). The WDNR may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes Owner of the Property may request that the WDNR issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the WDNR shall determine whether or not any one or more of the restrictions contained herein can be extinguished. If the WDNR determines that any one or more of the restrictions can be extinguished, an affidavit, with a copy of the WDNR's written determination attached, may be recorded to give notice that this groundwater use restriction is no longer binding and this Declaration of Restrictions be thereby amended.

IN WITNESS WHEREOF, the Owner of the Property has executed this Declaration of Restrictions, this 29th day of January, 1999.

By signing this document, Stephen Sadek acknowledges that he is duly authorized to sign this document on behalf of SBS Partnership.

Signature: _____

Stephen Sadek

Printed Name: Stephen Sadek

Title: General Partner

Subscribed and sworn to before me

this 29 day of January, 1999.

Barbara J. Hunsberg

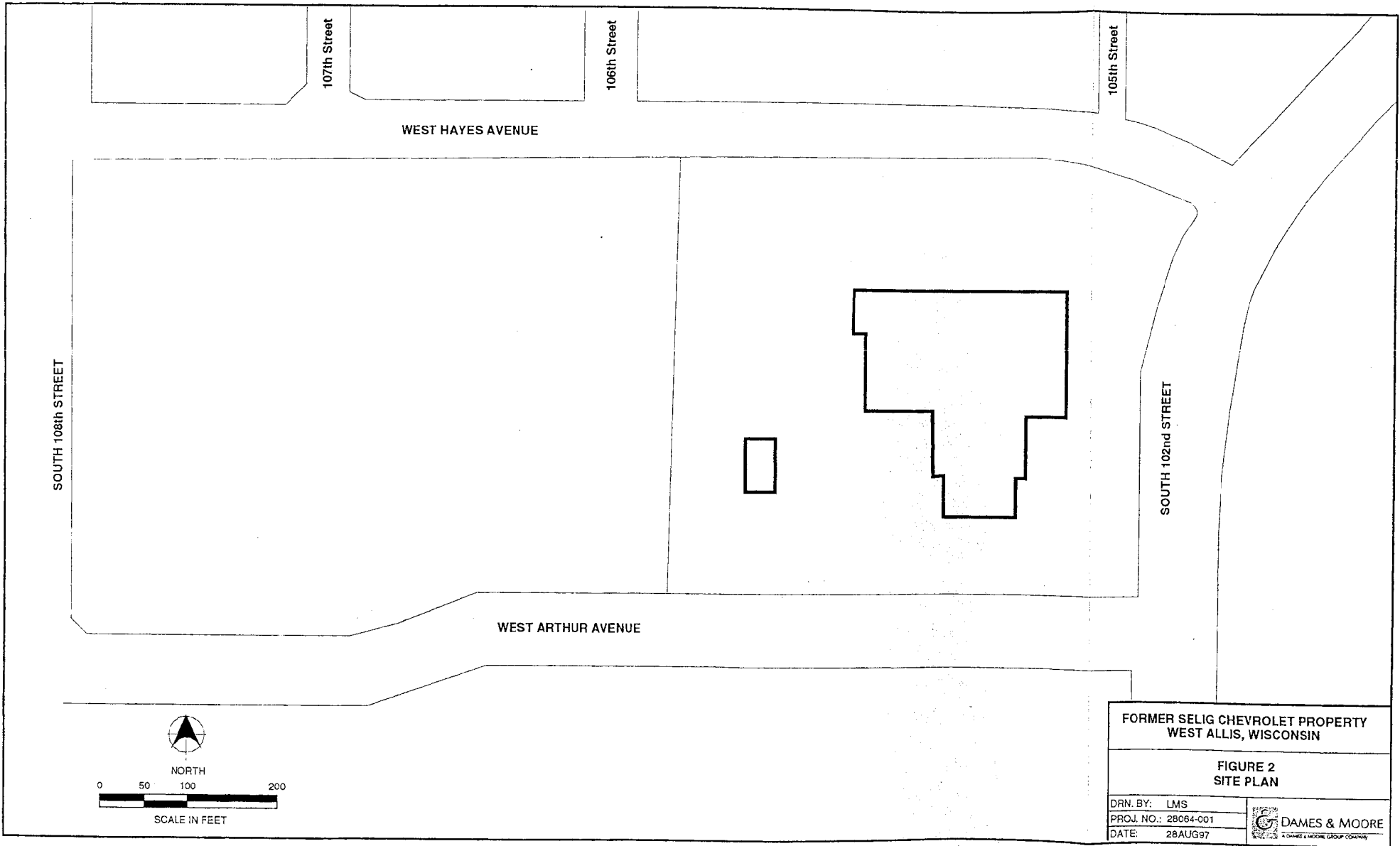
Notary Public, State of Wisconsin


My commission

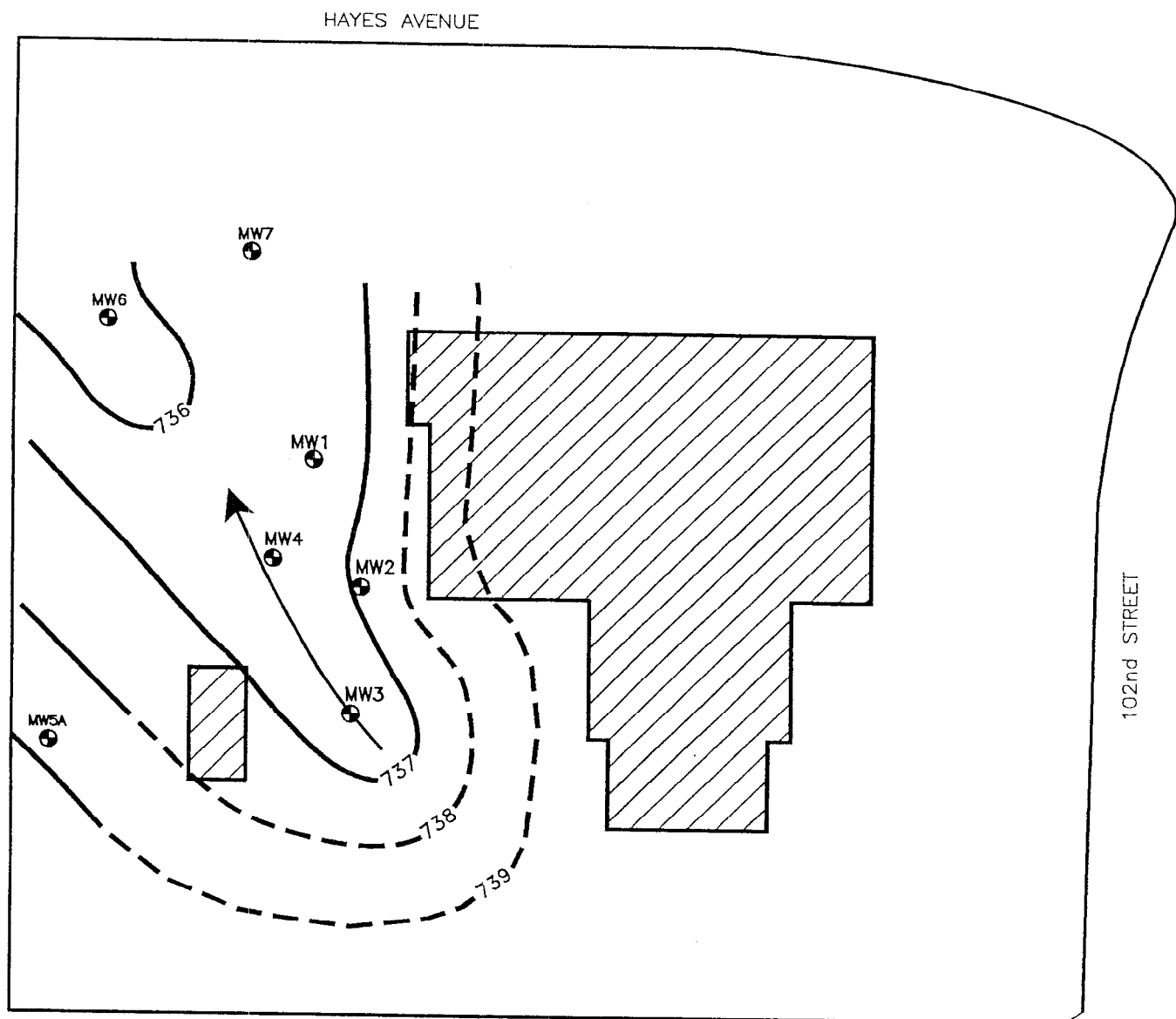
02-25-01

This document was drafted by Bruce A. Keyes (WBN 1015751) of Foley & Lardner, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202-5367.

F:\WORK\001\REPORT\001\ENCLOSURE\001\FIGURES\SITE PLAN



| | |
|--|---|
| FORMER SELIG CHEVROLET PROPERTY WEST ALLIS, WISCONSIN | |
| FIGURE 2 SITE PLAN | |
| DRN. BY: LMS |  DAMES & MOORE <small>A DAMEL MOORE GROUP COMPANY</small> |
| PROJ. NO.: 28064-001 | |
| DATE: 28AUG97 | |

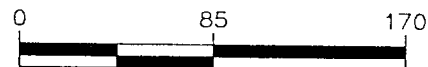


ARTHUR AVENUE

102nd STREET



NORTH



SCALE IN FEET

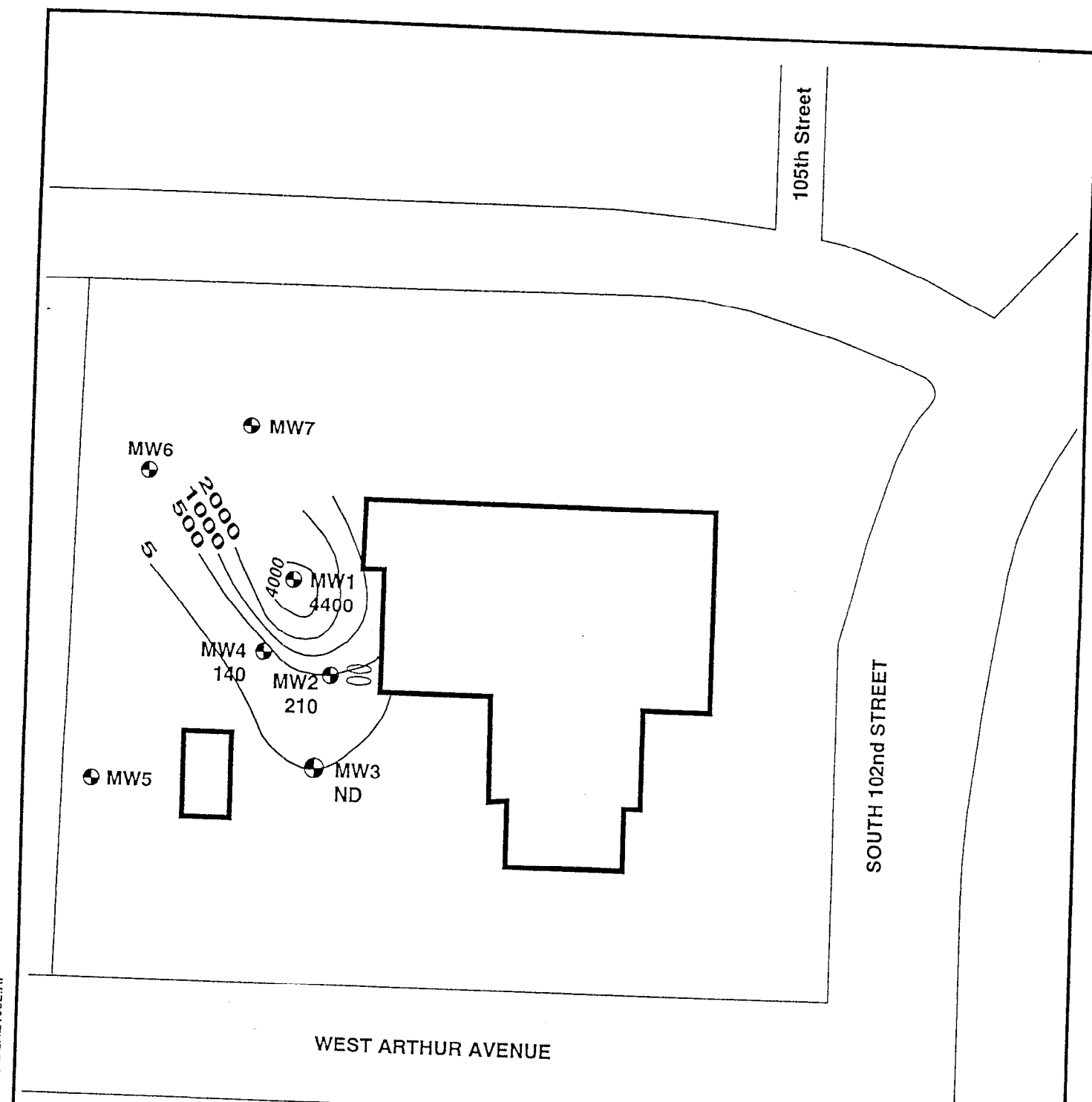
LEGEND

- MW6 ● PROPOSED SOIL BORING/
MONITORING WELL LOCATION
- GROUNDWATER CONTOUR
- - - INFERRED GROUNDWATER CONTOUR
- 739 APPROXIMATE GROUNDWATER ELEVATION
ABOVE MEAN SEA LEVEL
- ↖ DIRECTION OF GROUNDWATER FLOW

FORMER SELIG CHEVROLET PROPERTY
WEST ALLIS, WISCONSIN

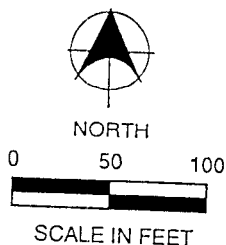
FIGURE 5
GROUND WATER CONTOUR MAP
12/23/94

| | |
|--------------|---------------------|
| DRN. BY LMS | PROJ. NO. 28064-001 |
| DATE 20MAR95 | DAMES & MOORE |



LEGEND

- MW3 ● SOIL BORING/
MONITORING WELL
- FORMER UST LOCATION



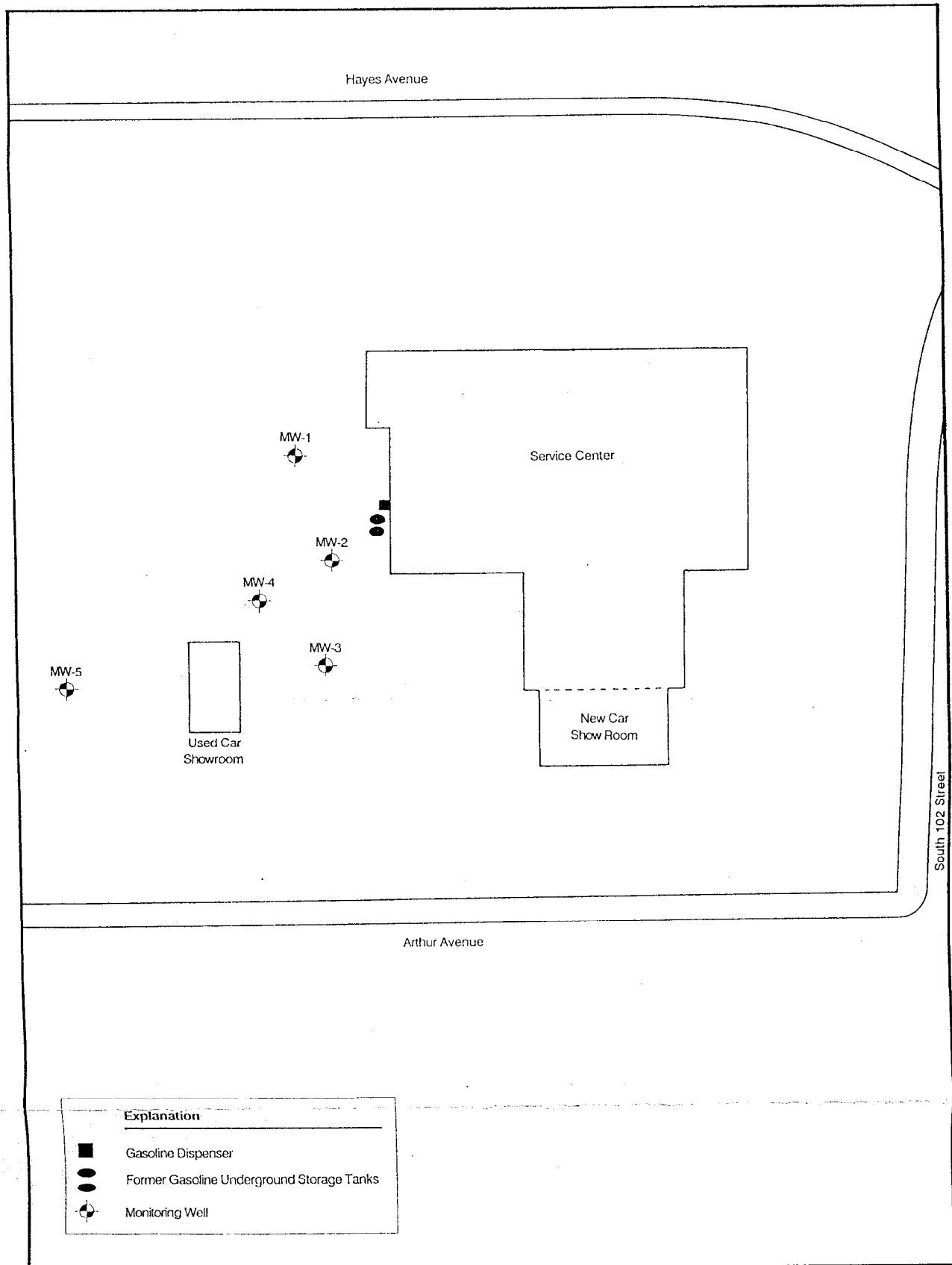
FORMER SELIG CHEVROLET PROPERTY
WEST ALLIS, WISCONSIN

FIGURE 7B
OCTOBER 1992
BENZENE ISOCONCENTRATION MAP

DRN. BY: LMS
PROJ. NO.: 28064-001
DATE: 29AUG97



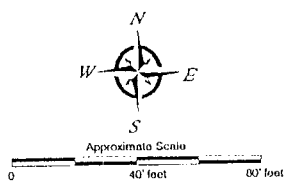
DAMES & MOORE
A DAMES & MOORE GROUP COMPANY



Adapted From: Plat of Survey No. 120864-M, Certified Survey Map No. 1531, (September 1, 1971).

Figure 3
Monitoring Well Locations

Former Selig Chevrolet
10200 West Arthur Avenue
West Allis, Wisconsin



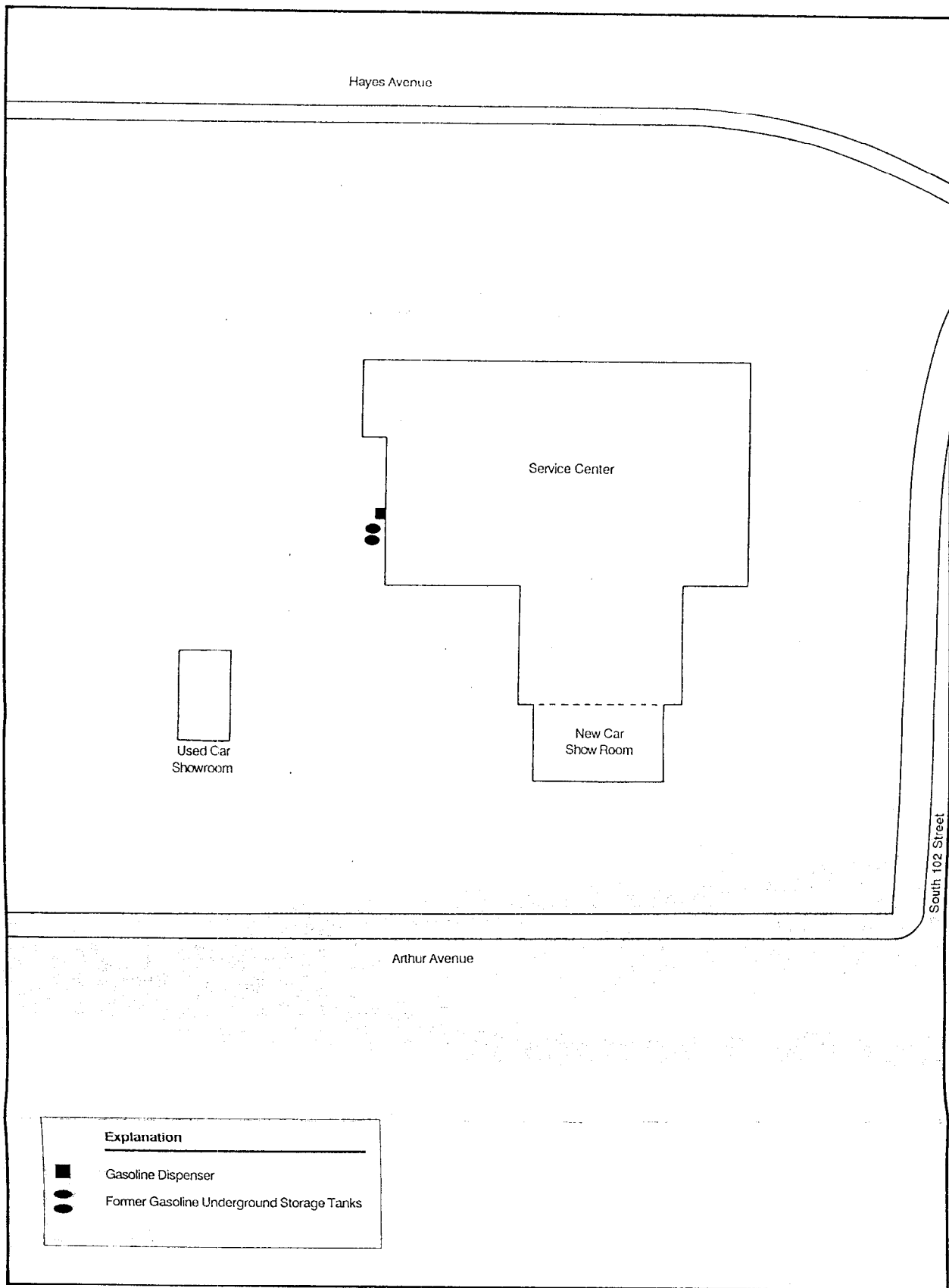
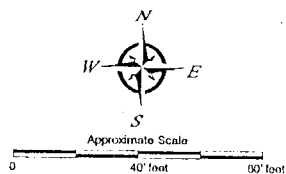


Figure 2
Site Plan Map
 Former Selig Chevrolet
 10200 West Arthur Avenue
 West Allis, Wisconsin



ATTACHMENT "A"

Table 2
Ground Water Sampling Laboratory Analytical Results
Former Selig Chevrolet Property
10200 West Arthur Avenue, West Allis, Wisconsin

| MW 1 | | | | | | | | | | |
|-------------------------|----------------------|-------------------------|--------------|-----------|----------------|---------------|--------------|----------------|---------------|--------------|
| Parameter | Enforcement Standard | Preventive Action Limit | January 1990 | May 1990 | September 1990 | December 1990 | October 1992 | September 1994 | November 1994 | January 1997 |
| Benzene | 5 µg/l | 0.5 µg/l | BQL | 1100 µg/l | 1500 µg/l | 480 µg/l | 4400 µg/l | 1900 µg/l | 430 µg/l | 730 µg/l |
| Ethylbenzene | 700 µg/l | 140 µg/l | BQL | 910 µg/l | 650 µg/l | 260 µg/l | 2100 µg/l | 880 µg/l | 210 µg/l | 380 µg/l |
| Methyl-tert-butyl ether | 60 µg/l | 12 µg/l | NA | NA | NA | NA | NA | 29 µg/l | BQL | 20 µg/l |
| Toluene | 343 µg/l | 68.6 µg/l | BQL | 72 µg/l | 10 µg/l | 11 µg/l | 51 µg/l | BQL | BQL | 13 µg/l |
| 1,2,4-Trimethylbenzene | NC | NC | NA | NA | NA | NA | NA | 1500 µg/l | 420 µg/l | 730 µg/l |
| 1,3,5-Trimethylbenzene | NC | NC | NA | NA | NA | NA | NA | 380 µg/l | 110 µg/l | 190 µg/l |
| Total Xylenes | 620 µg/l | 124 µg/l | BQL | 5100 µg/l | 4600 µg/l | 1600 µg/l | 11000 µg/l | 5200 µg/l | 1300 µg/l | 2400 µg/l |
| Gasoline Range Organics | NC | NC | NA | NA | NA | NA | NA | 17000 µg/l | 3500 µg/l | 7400 µg/l |
| Heavier than GRO | | | NA | NA | NA | NA | NA | NP | NP | Not Reported |
| MW 2 | | | | | | | | | | |
| Parameter | Enforcement Standard | Preventive Action Limit | January 1990 | May 1990 | September 1990 | December 1990 | October 1992 | September 1994 | November 1994 | January 1997 |
| Benzene | 5 µg/l | 0.5 µg/l | BQL | 1500 µg/l | 600 µg/l | 140 µg/l | 210 µg/l | 500 µg/l | 140 µg/l | 70 µg/l |
| Ethylbenzene | 700 µg/l | 140 µg/l | BQL | 500 µg/l | 21 µg/l | 35 µg/l | 53 µg/l | BQL | 7.4 µg/l | 1.1 µg/l |
| Methyl-tert-butyl ether | 60 µg/l | 12 µg/l | NA | NA | NA | NA | NA | BQL | 6.7 µg/l | 7.6 µg/l |
| Toluene | 343 µg/l | 68.6 µg/l | BQL | 1100 µg/l | 160 µg/l | 54 µg/l | 26 µg/l | 24 µg/l | 11 µg/l | BQL |
| 1,2,4-Trimethylbenzene | NC | NC | NA | NA | NA | NA | NA | 680 µg/l | 350 µg/l | 100 µg/l |
| 1,3,5-Trimethylbenzene | NC | NC | NA | NA | NA | NA | NA | 200 µg/l | 130 µg/l | 48 µg/l |
| Total Xylenes | 620 µg/l | 124 µg/l | 2.7 µg/l | 3200 µg/l | 1100 µg/l | 300 µg/l | 280 µg/l | 60 µg/l | 44 µg/l | 17 µg/l |
| Gasoline Range Organics | NC | NC | NA | NA | NA | NA | NA | 5300 µg/l | 2700 µg/l | 1100 µg/l |
| Heavier than GRO | | | NA | NA | NA | NA | NA | NP | NP | Not Reported |
| MW 3 | | | | | | | | | | |
| Parameter | Enforcement Standard | Preventive Action Limit | January 1990 | May 1990 | September 1990 | December 1990 | October 1992 | September 1994 | November 1994 | January 1997 |
| Benzene | 5 µg/l | 0.5 µg/l | BQL | BQL | BQL | BQL | BQL | BQL | BQL | BQL |
| Ethylbenzene | 700 µg/l | 140 µg/l | BQL | BQL | BQL | BQL | BQL | BQL | BQL | BQL |
| Methyl-tert-butyl ether | 60 µg/l | 12 µg/l | NA | NA | NA | NA | NA | BQL | BQL | BQL |
| Toluene | 343 µg/l | 68.6 µg/l | BQL | BQL | BQL | BQL | BQL | BQL | BQL | BQL |
| 1,2,4-Trimethylbenzene | NC | NC | NA | NA | NA | NA | NA | BQL | BQL | BQL |
| 1,3,5-Trimethylbenzene | NC | NC | NA | NA | NA | NA | NA | BQL | BQL | BQL |
| Total Xylenes | 620 µg/l | 124 µg/l | BQL | 1.6 µg/l | 1.5 µg/l | BQL | BQL | BQL | BQL | BQL |
| Gasoline Range Organics | NC | NC | NA | NA | NA | NA | NA | BQL | BQL | BQL |
| Heavier than GRO | | | NA | NA | NA | NA | NA | NP | NP | Not Reported |

Exceeds WAC ch. NR 140 Enforcement Standard

NA = Parameter Not Analyzed

NS = Well not sampled

µg/l = Micrograms per liter

NP = Not present

NC = No regulatory criteria

NI = Well not yet installed

BQL = Below Quantification Limit

ATTACHMENT "A"

REF 4493 IMAS 1642

Table 2
Ground Water Sampling Laboratory Analytical Results
 Former Selig Chevrolet Property
 10200 West Arthur Avenue, West Allis, Wisconsin

| MW 4 | | | | | | | | | | |
|-------------------------|----------------------|-------------------------|--------------|----------|----------------|---------------|--------------|----------------|---------------|--------------|
| Parameter | Enforcement Standard | Preventive Action Limit | January 1990 | May 1990 | September 1990 | December 1990 | October 1992 | September 1994 | November 1994 | January 1997 |
| Benzene | 5 µg/l | 0.5 µg/l | BQL | 350 µg/l | 2.3 µg/l | 130 µg/l | 140 µg/l | 110 µg/l | 57 µg/l | 11 µg/l |
| Ethylbenzene | 700 µg/l | 140 µg/l | BQL | 12 µg/l | BQL | BQL | 2.1 µg/l | BQL | BQL | BQL |
| Methyl-tert-butyl ether | 60 µg/l | 12 µg/l | NA | NA | NA | NA | NA | 13 µg/l | BQL | 4.5 µg/l |
| Toluene | 343 µg/l | 68.6 µg/l | BQL | 3.7 µg/l | BQL | 6.0 µg/l | 6.7 µg/l | BQL | BQL | BQL |
| 1,2,4-Trimethylbenzene | NC | NC | NA | NA | NA | NA | NA | 37 µg/l | 23 µg/l | BQL |
| 1,3,5-Trimethylbenzene | NC | NC | NA | NA | NA | NA | NA | 18 µg/l | 19 µg/l | BQL |
| Total Xylenes | 620 µg/l | 124 µg/l | BQL | 48 µg/l | 5.7 µg/l | 20 µg/l | 33 µg/l | 9.7 µg/l | 8.7 µg/l | BQL |
| Gasoline Range Organics | NC | NC | NA | NA | NA | NA | NA | 770 µg/l | 920 µg/l | BQL |
| Heavier than GRO | | | NA | NA | NA | NA | NA | NP | NP | Not Reported |

| MW 5 | | | | | | | | | | |
|-------------------------|----------------------|-------------------------|--------------|----------|----------------|---------------|--------------|----------------|---------------|--------------|
| Parameter | Enforcement Standard | Preventive Action Limit | January 1990 | May 1990 | September 1990 | December 1990 | October 1992 | September 1994 | November 1994 | January 1997 |
| Benzene | 5 µg/l | 0.5 µg/l | BQL | BQL | BQL | BQL | 36 µg/l | BQL | BQL | BQL |
| Ethylbenzene | 700 µg/l | 140 µg/l | BQL | BQL | BQL | BQL | BQL | BQL | BQL | BQL |
| Methyl-tert-butyl ether | 60 µg/l | 12 µg/l | NA | NA | NA | NA | NA | BQL | BQL | BQL |
| Toluene | 343 µg/l | 68.6 µg/l | 1.1 µg/l | BQL | 1.1 µg/l | BQL | 64.0 µg/l | BQL | BQL | BQL |
| 1,2,4-Trimethylbenzene | NC | NC | NA | NA | NA | NA | NA | BQL | BQL | BQL |
| 1,3,5-Trimethylbenzene | NC | NC | NA | NA | NA | NA | NA | BQL | BQL | BQL |
| Total Xylenes | 620 µg/l | 124 µg/l | BQL | BQL | 1.3 µg/l | BQL | 6.4 µg/l | BQL | BQL | BQL |
| Gasoline Range Organics | NC | NC | NA | NA | NA | NA | NA | BQL | BQL | BQL |
| Heavier than GRO | | | NA | NA | NA | NA | NA | NP | NP | Not Reported |

| MW 6 | | | | | | | | | | |
|-------------------------|----------------------|-------------------------|--------------|----------|----------------|---------------|--------------|----------------|---------------|--------------|
| Parameter | Enforcement Standard | Preventive Action Limit | January 1990 | May 1990 | September 1990 | December 1990 | October 1992 | September 1994 | November 1994 | January 1997 |
| Benzene | 5 µg/l | 0.5 µg/l | NI | NI | NI | NI | NI | BQL | BQL | BQL |
| Ethylbenzene | 700 µg/l | 140 µg/l | NI | NI | NI | NI | NI | BQL | BQL | BQL |
| Methyl-tert-butyl ether | 60 µg/l | 12 µg/l | NI | NI | NI | NI | NI | BQL | BQL | BQL |
| Toluene | 343 µg/l | 68.6 µg/l | NI | NI | NI | NI | NI | BQL | BQL | BQL |
| 1,2,4-Trimethylbenzene | NC | NC | NI | NI | NI | NI | NI | BQL | BQL | BQL |
| 1,3,5-Trimethylbenzene | NC | NC | NI | NI | NI | NI | NI | BQL | BQL | BQL |
| Total Xylenes | 620 µg/l | 124 µg/l | NI | NI | NI | NI | NI | BQL | BQL | BQL |
| Gasoline Range Organics | NC | NC | NI | NI | NI | NI | NI | BQL | BQL | BQL |
| Heavier than GRO | | | NI | NI | NI | NI | NI | NP | NP | Not Reported |

[Pattern] Exceeds WAC ch. NR 140 Enforcement Standard
 NA = Parameter Not Analyzed
 NS = Well not sampled

µg/l = Micrograms per liter
 NP = Not present
 NC = No regulatory criteria

NI = Well not yet installed
 BQL = Below Quantification Limit

ATTACHMENT "A"

REF 4493 IMAC 1643

Table 2
Ground Water Sampling Laboratory Analytical Results
Former Selig Chevrolet Property
10200 West Arthur Avenue, West Allis, Wisconsin

| MW 7 | | | | | | | | | | | |
|-------------------------|----------------------|-------------------------|--------------|----------|----------------|---------------|--------------|----------------|---------------|--------------|--------------|
| Parameter | Enforcement Standard | Preventive Action Limit | January 1990 | May 1990 | September 1990 | December 1990 | October 1992 | September 1994 | November 1994 | January 1997 | |
| Benzene | 5 µg/l | 0.5 µg/l | NI | NI | NI | NI | NI | BQL | BQL | BQL | |
| Ethylbenzene | 700 µg/l | 140 µg/l | NI | NI | NI | NI | NI | BQL | BQL | BQL | |
| Methyl-tert-butyl ether | 60 µg/l | 12 µg/l | NI | NI | NI | NI | NI | BQL | BQL | BQL | |
| Toluene | 343 µg/l | 68.6 µg/l | NI | NI | NI | NI | NI | BQL | BQL | BQL | |
| 1,2,4-Trimethylbenzene | NC | NC | NI | NI | NI | NI | NI | BQL | BQL | BQL | |
| 1,3,5-Trimethylbenzene | NC | NC | NI | NI | NI | NI | NI | BQL | BQL | BQL | |
| Total Xylenes | 620 µg/l | 124 µg/l | NI | NI | NI | NI | NI | BQL | BQL | BQL | |
| Gasoline Range Organics | NC | NC | NI | NI | NI | NI | NI | BQL | BQL | BQL | |
| Heavier than GRO | | | NI | NI | NI | NI | NI | NP | NP | BQL | |
| | | | | | | | | | | | Not Reported |

Exceeds WAC ch. NR 140 Enforcement Standard
NA = Parameter Not Analyzed
NS = Well not sampled

µg/l = Micrograms per liter
NP = Not present
NC = No regulatory criteria

NI = Well not yet installed
BQL = Below Quantification Limit

ATTACHMENT "A"

REFL 4493 IMAG 1644